

Exhibit No. 1**Testimony on SB 13 – Revise parks fees on light vehicle registration** 1-13-11Date 1-13-11
Bill No. SB13

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To: Senate Finance and Claims Committee

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The Montana State Park System appears to be on the road that many other State Park Systems in the U.S. have found themselves on, with budget shortfalls causing operational transfers and actual and proposed closure of State Parks in various states including Washington, California, Colorado and Missouri.

There should be concern over the continued expansion and development of State Parks as to how DFWP will maintain all these developed Parks in the Future. That concern is required in several statutes but is ignored by DFWP. (See attached park law)

In the past decade, many improvements have been made to State Parks, including "electrifying" many campgrounds, causing camping fees to increase, although the FWP Commission recently denied the Parks Division their request to raise camping fees even more.

Where will this all end? Continued larger operations budgets (HB2) result from continued improvements (HB5) which result in continued higher costs, with seemingly no concern of how much it will cost in the future.

An example is the Milltown Dam State park to be constructed by Missoula. The \$1.7 million construction cost will be funded by Natural Resource Development Funds (NRD) and Federal Funds. NRD Funds will pay for operations and maintenance for 5 years. How about after that? Where will the operations and maintenance funds come from?

Overall, with the budget future, these same practices cannot continue. Continued building causes more maintenance, and more operational costs. Now is the time to change this fiscal long term problem.

Solutions:

1. Do not allow FWP to do away with Primitive Parks like they want to do in SB43. These Parks were created in part to save development costs and maintenance costs. Passage of SB43 would cause more money to be spent on these Parks, including continued electrification of camping spots, paved roads, buildings, etc.

2. Stop continued development by restricting LRP HB5 funding to maintenance as provided in 23-1-127 (see attached)
3. The State Special revenue money in HB5 could be transferred to HB2 for operations and maintenance. The loss of funding as per SB13 fiscal note of approx. \$2.9 mil/year would all go back into citizen's pockets.
4. In looking at the HB2 funds, and as noted in the fiscal note for SB13, this can be afforded by lowering FTE costs, as Parks now has 3 Parks Project Managers listed under the design and Construction Section staff, along with a Parks Exhibit Specialist, a Parks Landscape Architect, and a Parks Project Lead Engineer. Why do we have all these? It is just not sustainable.

Attached is list of how Parks budgets have increased since the 2005 biennium. We cannot continue down this road. FWP will say how this will just destroy them, but we all know this is what they always say, but being restricted to just a 19% increase in overall funding (HB2 & HB5) from the 2005 biennium by doing the 4 suggestions above, hardly seems to be the end of the world. Most Montanans have not seen a 19% income increase since 2005.

Observation: The fiscal note seems to take all the lost revenue from the operations (HB2) budget thus causing a layoff of 39 FTE. However, if state special revenue money is removed from Long Range Building plans (HB5) (over \$2.3 million) there is much less loss in HB2. Further, if contracts for development from past HB5 appropriations have not been let, that money can also be transferred to operations resulting in far less loss of FTE than predicted in the fiscal note.

end

23-1-110. Improvement or development of state park or fishing access site -- required public involvement -- rules. (1) The fish, wildlife, and parks commission shall adopt rules establishing a policy whereby any proposed improvement or development of a state park or fishing access site that significantly changes park or fishing access site features or use patterns is subject to notice of proposed modifications, both statewide and locally, and to opportunity for a public meeting and public comment on the advisability and acceptability of the proposal.

(2) The department shall prepare a public report regarding any project that is subject to the provisions of subsection (1). The report must include conclusions relating to the following aspects of the proposal:

- (a) the desires of the public as expressed to the department;
- (b) the capacity of the park or fishing access site for development;
- (c) environmental impacts associated with the improvement or development;

(d) the long-range maintenance of the improvements;

- (e) the protection of natural, cultural, and historical park or fishing access site features;
- (f) potential impacts on tourism; and

(g) site-specific modifications as they relate to the park or fishing access site system as a whole.

History: En. Sec. 1, Ch. 367, L. 1991; amd. Sec. 2, Ch. 28, L. 1991

23-1-116. Primitive parks established. Because of their unique and primarily undeveloped character, the following state parks and management areas are designated as primitive parks and are subject to the provisions of 23-1-115 through 23-1-118:

- (1) Big Pine management area;
- (2) Thompson Falls state park;
- (3) Wild Horse Island state park;
- (4) Lost Creek state park;
- (5) Painted Rocks state park;
- (6) Ackley Lake state park;
- (7) Sluice Boxes state park;
- (8) Deadman's Basin state park;
- (9) Pirogue Island state park;
- (10) Medicine Rocks state park;
- (11) Headwaters state park;
- (12) Council Grove state park;
- (13) Beaverhead Rock state park;
- (14) Natural Bridge state park; and
- (15) Madison Buffalo Jump state park.

History: En. Sec. 2, Ch. 501, L. 1993; amd. Sec. 6, Ch. 476, L. 1995

23-1-117. Limit on development of primitive parks. (1) Except as permitted in Lost Creek state park for the limited purposes provided in subsection (3), the only development allowed in primitive parks designated in 23-1-116 is:

- (a) necessary improvements required to meet minimum public health standards regarding sanitation, which may include necessary access to outhouses, vaults, and water;

- (b) improvements necessary to ensure the safe public use of existing boat ramps;
 - (c) addition of gravel to existing unpaved roads and the resurfacing of paved roads when necessary to ensure safe public access;
 - (d) establishment of new hiking trails or improvement of existing hiking trails; and
 - (e) installation of minimal signage indicating that the park is a designated primitive park in which development has been limited and encouraging the public to help in maintaining the park's primitive character by packing out trash.
- (2) The following development of designated primitive parks is prohibited:
- (a) installation of electric lines or facilities, except when necessary to comply with subsection (1)(a);
 - (b) installation of recreational vehicle sanitary dumpsites where they do not presently exist; and
 - (c) creation of new roads and paving of existing but previously unpaved roads.
- (3) Lost Creek state park may be developed to include a camp host pad, with necessary water, electric, and sewage disposal facilities to meet minimum public health standards for the camp host. The camp host pad must be completed by September 30, 2007, and must be accomplished in the least intrusive manner possible in order to retain the primitive character of Lost Creek state park as a whole, in keeping with the spirit of the Montana Primitive Parks Act.

23-1-118. Elimination of resident user fee -- fee for nonresident use -- penalty. (1) In recognition of the right of Montana residents to use primitive parks without regard to their ability to pay, a Montana resident is not required to pay a user fee for the use of any primitive park designated in 23-1-116, except that the department may charge camping fees at Thompson Falls state park and Headwaters state park.

(2) A nonresident who wishes to use a primitive park is required to pay the state park user fees chargeable under 23-1-105.

History: En. Sec. 4, Ch. 501, L. 1993.

23-1-126. Good neighbor policy -- public recreational land. (1) The good neighbor policy of public land use, as applied to public recreational land, seeks a goal of no impact upon adjoining private and public land by preventing impact on the adjoining land from noxious weeds, trespass, litter, noise and light pollution, streambank erosion, and loss of privacy. To facilitate the good neighbor policy regarding impact to adjoining land from noxious weeds, the department of fish, wildlife, and parks shall, prior to purchasing any land where noxious weeds are present, develop a noxious weed management agreement that complies with the county weed management district's noxious weed management program, as required in 7-22-2154.

(2) In order to implement the good neighbor policy expeditiously, the legislature finds it necessary to require the department of fish, wildlife, and parks to place maintenance as a priority:

(a) over additional development at all state parks and fishing access sites; and

(b) on recreational land or water acquired pursuant to 87-1-209 for public hunting, fishing, trapping, or outdoor recreation.

(3) The restriction in subsection (2) does not apply to:

(a) activities directly related to the historic preservation, restoration, or protection of assets in

state parks;

(b) at the discretion of the department of fish, wildlife, and parks, projects on the Missouri reach of the Missouri-Madison hydropower project or the Clark Fork basin hydropower project, undertaken pursuant to the federal energy regulatory commission's hydropower relicensing requirements and in conjunction with private entities, political subdivisions of the state of Montana, and federal agencies;

(c) at the discretion of the department of fish, wildlife, and parks, projects on Fort Peck reservoir undertaken in conjunction with the U.S. army corps of engineers; or

(d) partnership projects as designated within the park master plan.

(4) Any development in state parks and fishing access sites beyond those defined as maintenance in 23-1-127(1) must be approved by the legislature.

23-1-127. Maintenance priority -- maintenance defined. *With regard to state parks and fishing access sites, implementation of the good neighbor policy requires that priority is to be given to maintenance of existing facilities, rather than to development or improvement.* For purposes of 23-1-126 and this section, "maintenance" means:

- (1) placing, cleaning, and stocking of latrines;
- (2) garbage and litter removal;
- (3) fence installation and repair of existing fences;
- (4) weed control;
- (5) implementation of safety and health measures required by law to protect the public;
- (6) upkeep of established trails, roads, parking areas, boat docks, and similar facilities existing in state parks and fishing access sites on October 1, 1999;
- (7) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the state park or fishing access site;
- (8) erosion control;
- (9) streambank stabilization;
- (10) erection of barriers necessary to preserve riparian vegetation and habitat;
- (11) minimal signage necessary to inform users of appropriate state park or fishing access site use and applicable regulations and of historical, natural, cultural, geographical, and geological features in the area;
- (12) measures necessary to ensure compliance with the federal Americans With Disabilities Act of 1990, when applicable;
- (13) planting of native trees, grasses, and shrubs for habitat stabilization and privacy shielding;
- (14) installation of fire rings, picnic tables, and trash collection facilities; and
- (15) other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126, 23-1-128, and this section, including new trails, new boat ramps, and necessary new access roads into and within the state park or fishing access site.

Montana State Parks Division Budget Comparison

HB2 & HB5

Funding Difference is License Plate Fee

Past Budgets from Office of Budget Programming & Planning

2013 Biennium Budget from Governor's Proposed Budget

| <u>Biennium Budget</u> | <u>HB2 – Operations</u> | <u>HB5 – Long Range Planning</u> | <u>Total</u> |
|------------------------|--|----------------------------------|--------------|
| 2003 | 5,434,088 (note- 500,000 in HB5 for Lewis & Clark Bicent. Not incl.- funding source different) | 4,309,650 | 9,743,738 |
| 2005 | 5,663,743 (note- 3,200,000 for Mt. Wildlife Rehab. & Nature Center Not incl. - funding source different) | 3,550,000 | 9,213,743 |
| 2007 | 7,211,245 (note- a 52.6% increase over 2005 Biennium Total) | 6,850,000 | 14,061,245 |
| 2009 | 8,042,393 | 7,750,000 | 15,792,393 |
| 2011 | 9,121,569 | 5,040,000 | 14,161,569 |
| 2013 Proposed | 10,040,941 | 4,051,000 | 14,091,941 |

(note- 2013 Proposed Operations budget is 77.2% more than
the 2005 Budget).